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EXAMINER				
QUINN, COLLEEN M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,005

Applicant(s)

TEICHERT, PAUL

Examiner

COLLEEN M. QUINN

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-110 is/are pending in the application.
- 4a) Of the above claim(s) 82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-81 and 83-88, 93-96, 99-104 and 108-110 is/are rejected.
- 7) ☒ Claim(s) 89-92, 97, 98 and 105-107 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 79-81 and 84-88, 93-96, 99-104 and 108-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colditz et al. (US 6,856,663) in view of Wilson (US 2,336,432) and Dudley (US 860,359).

Colditz et al. disclose a device (38; figure 2) for enabling access to a structure above ground level (figure 1), the device comprising a first endless frame structure (58) defining an opening (48), wherein at least part of the endless frame structure forms a track portion (figure 2), the track portion being able to guide an, in relation to the track portion, movable object (50) along the track portion (figure 2); the device further comprising a second endless frame structure (52) defining an opening and being aligned with the first endless frame structure (figures 2-4); wherein the first endless frame structure forms a track (figures 2-4); wherein the object comprises a work platform (50) adapted to carry one or more individuals; wherein the first endless frame structure can be an elongated (elliptical) structure (col. 3, lines 12-13) and wherein the device is adapted to assist individuals in performing inspection, work, repair etc. on a structure above ground level (figures 1-4). Colditz et al. does not disclose the device to be liftable or lowerable in relation to the structure, control means for lifting/lowering or that the

device could be adapted for performing work on a wind turbine or an arrangement for aligning the structure with the opening on the device, or docking means on the device.

However, Wilson teaches a device (figure 1) for enabling access to a structure above ground level (figure 1) by lifting and/or lowering the device in relation to the structure (figure 1), the device being lifted and lowered by control means (118, 120) and wherein the device comprises an elongated frame structure (95) defining an opening (figure 11) for situating the device around the elevated structure (figure 1), such that the device is adaptable to assist individuals with performing work, repair etc, on a blade of a wind turbine. Although Wilson does not disclose the lifting/lowering control means to comprise an electric motor, hydraulic or pneumatic means, Wilson does teach the frame (95) to be lifted/lowered with the cable 118 and pulley 120 and "convenient manipulation to raise and lower the platform" and the Examiner takes Official Notice that one of ordinary skill in the art would recognize that at least an electric motor would be an obvious convenient manipulator for lifting and lowering the frame with the chain and pulley as motors and electric winches are well known in the art for manipulating and operating pulley and lifting systems on industrial devices and that any electric motor or equivalent thereof would at least have a start and stop control means in order to control the operation of the lifting/lowering.

Additionally, Dudley teaches a device (figures 1 & 2) for accessing a structure (chimneys, spires, monuments, etc; figures 1 & 2) above ground level; wherein the device comprises a first frame (14) defining an opening (figure 2) for surrounding the structure (figures 1 & 2), and comprising an alignment arrangement projecting outward

from the perimeter of the frame (figure 1) to engage the structure (figure 1) and for adjustments and aligning along the structure with the opening defined by the first frame; wherein the alignment arrangement comprises a first displaceable arm (7) having guiding means(1, 4), the first displaceable arm being adapted to be brought from a first to a second position when the device is to be aligned with the structure (page 2, lines 3-11), the first displaceable arm being, in its second position, capable of bringing a catch element (5, 6) into contact with the structure via its guiding means, and bringing the device in approximate or complete alignment with the structure by moving the catch member with respect to the guiding means while the catch member is in contact with the structure (figures 1 & 2 & page 2, line 3-11); further comprising a second displaceable arm(another of arms 7) having guiding means (another set of 1, 4), the second displaceable arm being adapted to be brought from a first to a second position when the device is to be aligned with the structure (same operations as first), the first and second displaceable arms being, in their second position, capable of bringing a catch elements (5, 6) into contact with the structure via their guiding means; wherein the first and second arms are pivotably mounted on first and a second support elements (2), respectively wherein the first and second support elements are pivotably mounted on an endless frame structure (figure 2); further comprising rotatably mounted docking means (arranged in the opening defined by an endless frame structure, the rotatably mounted docking means (21-26; figure 5) being adapted to fixate the structure in relation to the device when the structure has been brought into the opening defined by said endless frame structure (figures 1, 2 & 5); wherein a total of at least five rotatably mounted

docking means are arranged in the opening defined by the endless frame structure (figure 2); the docking arrangement further comprising a pair of flexible belts (figure 5), each belt being arranged between a rigid end point and a belt tightener (figures 2 & 7), the belt tighteners and the end points being arranged on said endless frame structure (figures 2 & 7), the belt tighteners being adapted to tighten the belts by bringing them from a relaxed state to a tightened state in order to fixate the structure in relation to the device (Figures 2 & 7), providing aligning means and docking means for positioning and holding the device in position about the structure.

Therefore it would have been obvious to one of ordinary skill in the art to provide the device of Colditz et al. with an alignment arrangement and docking means as taught by Dudley in order to provide a device that can be more readily centered and positioned about the above ground structure in order to securely align and hold the device while being used by workers and with lifting/lowering means and control means for the device as taught by Wilson, being arranged such that it is adaptable to work on the blade of a wind turbine, in order to provide a more adaptable, versatile and easily operated above ground maintenance device.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colditz et al. , Wilson and Dudley as applied to claims 79-81 and 84-88, 93-96, 99-104 and 108-110 above, and further in view of Saxonmeyer (US 3,960,242) as best understood in light of the above rejections.

Colditz et al. do not disclose control means for controlling the position of the movable object/platform in relation to the track.

However, Saxonmeyer teaches a device for (41,46, 49,50; figure 2) for working on a structure (20) above ground level (figure 1), wherein the device comprises a first frame (41) comprising a track portion (42) supporting a movable object/platform (49) movable in relation to the first frame (figures 1-3 & 6) and wherein the movable object/platform (49) comprise control means (79) for positioning the movable object in relation to the track, providing independent control for the platform.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the movable object of Colditz et al. with control means for positioning the movable object in relation to the track portion, as taught by Saxonmeyer in order to provide the worker and platform with independent control for moving the platform.

Allowable Subject Matter

Claims 89-92, 97, 98, 105-107 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed February 16th, 2011 have been fully considered but they are not entirely persuasive.

First the examiner would like to note that the applicant's response to the question of whether or not the applicant is invoking 35 USC 112-6th paragraph appears to be that the applicant is not invoking 35 USC 112-6th paragraph since the applicant has amended the claim limitation away from meeting the three-prong test previously explained. Examiner understands applicant is not using or invoking 35 USC 112-6th paragraph.

Applicant argues that Dudley does not teach or suggest an alignment arrangement configured to extend outward from the first frame structure, engage the structure and move the structure into alignment with the openings defined by the frame. Applicant's own recitation that applicant's alignment structure extends "outward from the perimeter of the first endless frame structure" is a bit of a stretch since by "outward" the applicant is actually refereeing to elements that extend *upward* (263, 264; figure 17) & *diagonally* (figure 19) see even one that extends *inward and upward* (276; figure 19), so pivotally connected, displaceable alignment arm 7 of Dudley that extends outward from the frame of the device is certainly an outwardly extending alignment arrangement used to position the frame about the structure.

Applicant also argues securing the frame of Dudley about the structure of Dudley does not equate to aligning a frame about a structure. The examiner is not persuaded by this argument. Dudley teaches a plurality of adjustable and displaceable elements

(as advanced above) that all work together in setting the frame's position about the structure. Dudley may use different words and phrases than the applicant, but his teaching of an adjustable frame being positionable about an above ground structure does in fact make obvious a frame that is brought into alignment about a structure.

Although Dudley does still make obvious some claimed features of the alignment arrangement, the applicant's amendments to the claim limitations regarding the "drawing" of the catch elements "along the guiding means" of the respective arms is effective in overcoming the prior art rejections of Dudley regarding those limitations. Dudley does not teach such or suggest an arrangement of catch elements and guiding means, nor would be obvious to adapt the structure of Dudley to make such an arrangement. The claims including those limitations, and those dependent therefrom are now indicated as allowable, as noted above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN M. QUINN whose telephone number is (571)272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Katherine Mitchell/
Supervisory Patent Examiner, Art
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/Colleen M Quinn/
Examiner, Art Unit 3634